

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

ANTHONY BERNARD JUNIPER,

Petitioner,

v.

Civil Action No. 3:11-CV-746-JAG

LORETTA K. KELLY,

Warden, Sussex I State Prison,

Respondent.

**ORDER**

This matter is before the Court on the motion of the petitioner, Anthony Bernard Juniper, for immediate stay of execution. The respondent, Loretta K. Kelly, does not oppose the granting of this relief. Mr. Juniper also moves to appoint counsel and seeks leave to proceed in forma pauperis. The respondent does not oppose these motions.


Pursuant to 28 U.S.C. § 2251(a)(3), the Court GRANTS the motion for immediate stay of execution. The execution of Mr. Juniper, presently scheduled for November 10, 2011, is STAYED for 90 days from the date of this Order, unless otherwise ordered by the Court. The respondent is directed to take all appropriate action to stay this execution and then certify to this Court that she has done so.

Pursuant to 18 U.S.C. § 3599(a)(2), and for good cause shown, the Court GRANTS the motion for appointment of counsel. The Court hereby APPOINTS the following persons to serve as counsel in representation of Mr. Juniper: (1) Robert Lee, Esq., Virginia Capital Representation Resource Center, 2421 Ivy Road, Suite 301, Charlottesville, Virginia 22903; and (2) Jacqueline M. Ford, Esq., Bowen, Champlin, Foreman & Rockecharlie, 1919 Huguenot Road, Richmond, Virginia 23235.

Mr. Juniper has been allowed to proceed in forma pauperis in the Virginia state courts, and has submitted an affidavit of indigence. The Court therefore GRANTS the motion for leave to proceed in forma pauperis.

It is so ORDERED.

Date November 9, 2011  
Richmond, VA

/s/   
John A. Gibney, Jr.  
United States District Judge